

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-438

July 9, 1998

BRITTAN COMMUNICATIONS
INTERNATIONAL
Request to Discontinue Selected
Rate Plans and Create New Rate
Plans for Long Distance Service

ORDER GRANTING
RATE CHANGES

WELCH, Chairman; and NUGENT, Commissioner

On June 10, 1998, Brittan Communications International (Brittan), filed a request to discontinue selected rate plans and add several new rate plans. This Order allows these changes to go into effect.

Brittan's new rate plan titled "Standard Rates" prices intrastate service at \$0.78 per minute in addition to a \$5.25 monthly recurring "access fee." This "Standard Rate" is "provided to all residential and business customers who do not qualify and have not selected one of the Company's discount rate plans." Several of the company's proposed nonstandard offerings also carry a \$0.78 per minute rate.

It is difficult to conceive why anyone would select these rates. As Brittan claimed no revenues from customers in Maine last year in its 1997 annual report submitted to this Commission, we could assume that even its previous tariffs were found to be uneconomical by Maine consumers. Brittan has also not opted to become a carrier available for intrastate presubscription at this time. Thus, allowing this rate change would likely cause Maine consumers no harm, but Brittan's history of customer relationships in other states provides a troubling background to this filing.

An example of this history is evident in an October 22, 1997 press release from Texas Attorney General Dan Morales. Morales obtained an Assurance of Voluntary Compliance with Brittan in which the company admitted no wrongdoing but agreed to provide restitution to customers, pay the State for attorneys fees and investigative costs and operate its telecommunications business under the strict guidelines of the agreement.

In addition, the California Public Utilities Commission recently concluded its investigation into the operations, practices and conduct of Brittan to determine whether it had violated the laws, rules and regulations governing the manner in which California consumers are switched from one long distance

carrier to another. On April 9, 1998 the California Public Utilities Commission issued a final order (I-97-04-045) approving a settlement agreement for restitution of \$702,480 and suspension of operating authority for 24 months beginning 60 days after the order was signed.

We put Brittan on notice that Maine law (35-A M.R.S.A. § 7106) contains procedures for the selection and changing of interexchange carriers. Violations of this law are punishable by fines of up to \$40,000 for a first offense and \$110,000 for subsequent offenses.

Dated at Augusta, Maine this 9th day of July, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note:The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.